

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Philip Barthram, et al.
Serial No.: 10/759,774
Filing Date: January 16, 2004
Group Art Unit: 2191
Confirmation No.: 8142
Examiner: Matthew J. Brophy
Title: *METHOD AND SYSTEM FOR MANAGING A COMPUTER SYSTEM*

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Applicant respectfully requests reconsideration of the application in light of the remarks set forth below.

REMARKS

Applicants received a final Office Action dated August 5, 2011 ("Office Action") finally rejecting pending Claims 1, 7-21, 23, 29-43, 45, 51-65, 67, 73-87, and 90-106. Applicants respectfully submit that the Examiner's rejections are legally and/or factually deficient and should be reversed.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 7-13, 23, 29-35, 45, 51-57, 67, 73-79, and 90-99 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,933,647 issued to Aronberg, et al. ("*Aronberg*") in view of U.S. Patent No. 6,178,443 B1 issued to Lin ("*Lin*"), and further in view of U.S. Patent Application Publication No. 2002/0129356 A1 in the name of Hellerstein, et al. ("*Hellerstein*"). Claims 14, 15, 17-19, 36, 37, 39-41, 58, 59, 61-63, 80, 81, 83-85, 100, 101, 103 and 104 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Aronberg*, in view of *Lin*, further in view of *Hellerstein*, and further in view of SMS 2 Administration in the name of Lubanski, et al. ("*Lubanski*"). Claims 16, 21, 38, 43, 60, 65, 82, 87, 102 and 106 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Aronberg*, in view of *Lin*, further in view of *Hellerstein*, and further in view of U.S. Patent No. 5,742,829 issued to Davis, et al. ("*Davis*"). Applicants respectfully traverse these rejections.

Claim 1 is allowable at least because it recites "displaying, to a network administrator, a user-object data structure comprising resource information identifying a plurality of network computers in an enterprise system that are used by a selected one of a plurality of users, the plurality of enterprise computers representing all of the network computers in the enterprise system that are used by the selected user," which is not shown by the proposed combination of references.

The Final Office Action argues in substance that *Aronberg* does not show displaying the claimed user-object data structure, but rather shows displaying something entirely different, that *Lin* discloses the claimed user-object data structure, and thus the combination of the two references discloses the above limitation. This is clearly wrong. First, the claimed user-object data structure is not disclosed by *Lin*. This lack of disclosure in *Lin* was demonstrated in response to the non-final office action, and the Final Office action had no rebuttal -- it completely ignored Applicant's demonstration that *Lin* failed to show the claimed user-object data structure. That the Examiner had no rebuttal confirms the rejection is

inappropriate. Second, the mere fact that *Aronberg* shows displaying something does not suggest displaying a particularly claimed user-object data structure to a network administrator, as claimed. The Examiner seems to be taking the untenable view that because *Aronberg* uses the phrase “displaying” that displaying anything to a network administrator in any context would be obvious.

In particular, the Office Action relies on Col. 3, lines 50-67 of *Lin* to teach the claimed user-object data structure, but this is incorrect. That portion of *Lin* states:

Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6 identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130). Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated user preference information to all of the computers associated with the userid in the service request.

Clearly, there is no disclosure in this recitation of *Lin* disclosing that the claimed data structure identifies **all network computers in an enterprise system that are used by a selected user, nor does the Examiner provide any rebuttal to this demonstration in the Final Office Action.** For at least this reason, Claim 1 is allowable.

Further, *Lin* is completely devoid of any disclosure of displaying, to a network administrator, the claimed user-object data structure, as conceded by the Examiner in the Office Action. And the fact that *Aronberg* uses the work “display” does not make the combination of *Aronberg* and *Lin* disclose this limitation. Simply put, *Aronberg* may teach displaying something, but that something is not the claimed user-object data structure, and there is no indication in either reference that the data structure of *Lin* should be displayed to a network administrator, as claimed, even though *Aronberg* may disclose displaying something. Rather, one would not be motivated to modify *Aronberg* to display the claimed resource information identifying all network computers in the enterprise system that are used by a selected user. As described in previous Responses, *Aronberg* is computer-centric. One would not modify the computer-centric system of *Aronberg* to display the claimed resource information regarding all computers used by a particular user, since that is antithetical to a computer-centric approach of *Aronberg*. Thus, even if *Lin* did disclose the above-identified

limitation, which it does not, the proposed modification would be non-sensical. Thus, the rejection is improper for this additional reason.

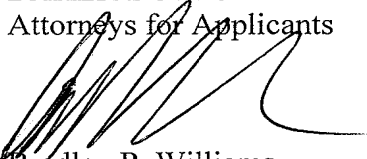
For at least these reasons, Claim 1 is allowable, as are the claims depending therefrom. For analogous reasons, independent Claims 23, 45, 67, 90, and 91 are allowable, as are the claims depending therefrom. Favorable action is requested.

CONCLUSION

As the rejections of Claims 1, 7-21, 23, 29-43, 45, 51-65, 67, 73-87, and 90-106 contains clear legal and factual deficiencies, Applicants respectfully request a finding of allowance of Claims 1, 7-21, 23, 29-43, 45, 51-65, 67, 73-87, and 90-106. To the extent necessary, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,

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